

111TH CONGRESS
2D SESSION

H. R. 6000

To provide for criminal liability for the denial of health care coverage of
a treatment or an individual, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. GRAYSON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for criminal liability for the denial of health
care coverage of a treatment or an individual, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Thou Shalt Not Kill
5 Thy Customers Act”.

6 **SEC. 2. CRIMINAL DENIAL OF HEALTH CARE COVERAGE.**

7 (a) OFFENSE.—Any responsible officer or employee
8 of an insurance entity that engages in a denial of coverage

1 under a health plan offered by such entity in violation of
2 the provisions of title XXVII of the Public Health Service
3 Act (including amendments to such Act made by the Pa-
4 tient Protection and Affordable Care Act (Public Law
5 111–148)), and such insurance entity, shall be fined in
6 accordance with title 18, United States Code, imprisoned
7 for not more than one year, or both.

8 (b) ENHANCED PENALTY IF DEATH RESULTS.—Any
9 conduct of any responsible officer or employee or insur-
10 ance entity that subjects such person or entity to a fine
11 or imprisonment under subsection (a) shall also be punish-
12 able as involuntary manslaughter under section 1112(b)
13 of title 18, United States Code, if the conduct for which
14 the person or entity is fined or imprisoned results in
15 death.

16 **SEC. 3. IDENTIFICATION AND REPORT OF INSTANCES OF**
17 **DENIAL OF HEALTH CARE TREATMENT AND**
18 **COVERAGE.**

19 (a) The Inspector General of the Department of
20 Health and Human Services shall establish an Internet
21 Web site and a toll-free telephone number to receive re-
22 ports of instances of denial of health care treatment or
23 coverage by insurance entities for investigation of such re-
24 ports.

1 (b) Such toll-free telephone number shall be operated
2 in a similar manner to the toll-free telephone number de-
3 scribed in subsection (c)(4) of section 1804 of the Social
4 Security Act (42 U.S.C. 1395b–2).

5 (c) The Inspector General shall report to the Attor-
6 ney General for further investigation and prosecution all
7 such instances for which the Inspector General determines
8 sufficient evidence exists of a violation described in section
9 2(a) by an insurance entity or responsible officer or em-
10 ployee of such entity.

11 **SEC. 4. SENSE OF CONGRESS.**

12 It is the sense of the Congress that each State should,
13 through the State insurance commissioner or State official
14 responsible for the regulation of insurance in such State,
15 thoroughly investigate violations of this Act by any insur-
16 ance entity or responsible officer or employee of such enti-
17 ty.

18 **SEC. 5. DEFINITIONS.**

19 In this Act:

20 (1) The term “denial of coverage” means, with
21 respect to a health plan offered by an insurance en-
22 tity—

23 (A) in the case of an individual enrolled in
24 or benefitting from such plan, denying coverage

1 of or care for a treatment for such individual;
2 or

3 (B) in the case of an individual seeking en-
4 rollment in or benefit from such plan, the de-
5 nial of coverage of or care for such individual
6 under such plan.

7 (2) The term “insurance entity” means a group
8 health plan or a health insurance issuer offering
9 group or individual health insurance coverage (as
10 such terms are defined in section 2791 of the Public
11 Health Service Act (42 U.S.C. 300gg–91)).

12 (3) The term “responsible officer or employee”
13 means any director, officer, employee, or agent of an
14 insurance entity who engages in any of the following
15 conduct:

16 (A) Making a decision to deny coverage or
17 care.

18 (B) Designing the institutional policies of
19 the insurance entity that resulted in the denial
20 of coverage or care.

21 (C) Materially influencing the policy or de-
22 cision to deny coverage or care.

23 (D) Any other conduct that constitutes an
24 offense under this Act, including any related of-

- 1 fense under section 2 of title 18, United States
- 2 Code.

